

MONEY POLITIC IN ELECTIONS: ISLAMIC LAW PERSPECTIVE

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ABSTRACT

Money is the most needed resource by people, becoming a reference for each transaction or individual maneuver and as a medium of exchange. Money is an urgent factor that is useful to boost one's personal power and to control the strategic discourse associating with a political interest and power. The nomination process is often inseparable from the use of money to attract the sympathy of citizens. Supposedly, the candidates should not rely on money politic as a way to win the election, but they must demonstrate their ability to be representative of the people. This research is a qualitative study. It was located in Sangtombolang District, Bolaang Mongondow Regency, North Sulawesi. The data obtained were processed and verified in order to obtain descriptive findings of money politic in the election perspective of Islamic law. The practice of money politic occurred in some people due to ignorance of the law on money politic, habits, and economic urgency. In Islamic values, money politic or risywah is something that is given to cancel the truth and to justify the falsehood, risywah in Islamic law is considered as confiscation of other people's property, as mentioned in Surah Al Baqarah verse 188. MUI also explained that people who give and receive risywah are haram (forbidden).

Keywords: Money politic; election; Islamic law

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INTRODUCTION

Democracy as the basis of statehood gives the sense that the final level of the people giving the provision in the basic problems concerning their lives, including in assessing the state policies is because these policies determine the life of the people (Mahfud MD, 1999). However, the great ideals of democracy are defiled with the practice of money politic of the candidates who have the ambition to win the election.

Democratic reforms lead people to act as subjects, assign roles and wider and the larger responsibilities to society. On the other hand, it also means that the roles and responsibilities of governments are increasingly limited as a facilitator and a public servant, maintaining security, peace and public order as set by law.

In the implementation of democracy, it is always defiled with badways. Money politic is not only in the central government level but had until regional areas which are far from the central government. It is common now, even the persons do it openly, for example, infrastructure donations, roadwork, renovation of social means, or everyone gets money, requiring to vote in the election and voting.

The Direct Regional Head Election makes people more actively participate in determining their political choice. In this case, people are freer to use their political rights constitutionally at the election. Furthermore, the direct election was responded enthusiastically by the public, but it contains a "test" for the development and growth of local politics. That is, the prospect of direct elections will be considered as a failure if it does not bring democratic change in local communities.

Although the direct election is able to increase public participation, it is also suspected to cause some issues, such as money politic, fraud in the voting process, the lack of political education, the dominance of public figures and religious leaders in directing the political choice of the people, the reduction of power carried out by the party in the distribution of political rights of the people, and the amount of cost in the election (Zeinudin, 2014).

In general, the conditions of implementation of the General Election is still associated with money politic. There is also a variety of fraud and manipulation on nearly all stages. As a result, chaos and anarchy often happen in the election. The description of the General Election implementation can be seen from the facts in the entire process of election (Indah, 2016).

The money politic practice is common in Indonesian society. This phenomenon can be seen directly in the process of headman elections as the smallest component of the Indonesian government. The process of nomination of the headman often cannot be separated from the use of money to attract the sympathy of people. In a broader scale, the practice of money politic has involved mostly social elements such as officials, politicians, academics, educators, traders, and religious leaders (Rimbing, 2014).

In general, money politic is defined as the effort made by a person intends to influence others by using certain rewards. The rewards can be financial or certain goods. Yusril Ihza Mahendra quoted by Indra Ismawan stated that money politic is conducted in order to influence the voters by giving money. Johnny Lomulus considered money politic is wisdom or actions giving some money to the owners or leaders of political parties to be a candidate for definitive Regional Head and or people to vote for the candidate. Gay Good paster wrote that money politic is part of corruption in the election process. It is basically a bribery transaction by a candidate in order to gain votes (Sri Wahyu Ananingsih, 2016).

Voters are all parties as the main target of the candidates. Voter behavior is a socio-political reality that is inseparable from the influence of internal and external factors. Many factors that may affect the behavior of voters, for instance, issues and political policy, a group of people who vote for candidates because they are the representation of religion or belief, while the other groups choose a particular political candidate because they are a representation of the social classes and some groups choose as an expression of the loyal of a certain figure. Thus, the most fundamental in influencing voter behavior is the influence of the elite, the party identification of the social system, the mass media and political orientation (Lukmajati, 2016).

At the time of the elections across the country, it is very difficult to avoid the practice of money politics, especially in North Sulawesi. One of the online media reported that North Sulawesi is an area that is potential to domoney Politics in the election. The data from the Election Supervisory Agency (Bawaslu), North Sulawesi is included in the four vulnerable areas. It is based on data collected during Regional Head Elections in 2015. Furthermore, an article written by Patrick Jimrev Rimbing (2014) explained thatthe legislative election in Manado City is inseparable from money politics. A form of money politic is conducted on the distribution of cash, food, and contributing to the improvement of public facilities. It involves all segments of society, but the lower classes become the main target because they are easy to be affected (Rimbing, 2014).

The candidates should not rely on money politics as a way to win the election, but they must demonstrate their ability to be representative of the people. The relation between money and politic always be a major issue in democracy and governance. It must be admitted that money is increasingly to be a vital role in the 'modern democracy', such as used in advertising costs, the candidate selection process, survey, and mobilization of voters during the campaign. However, the role of money is endangering to the democratic process when all political parties and candidates to compete in winning the election process. By a diverse source of 'dirty money', the practice of 'money laundering' and of 'money politics' are implemented by political parties and candidates to win in the election. In other words, the "affair between politics and money" is very detrimental to society. Therefore, the regulatory reform of the role of money or political donations become 'critical agenda' in order to save the democratic system (Nasution, 2013).

A very strong human intentions to achieve his desire is commonly called "ambition". The ambition of each human will vary according to the level of knowledge, education or a variety of the background of life. There is a group of people whose ambition wants to be the richest man in the area, to be educated, respectable, and so forth. It is clear that in many areas of life, there are people who have greater ambition than others (Sriyanto 2003).

Elite politic behavior participating in the election affects the political behavior of society in general. People admit irregularities in the election as a normal increasingly, hence, it becomes permissive to it. Money politics, intimidation, and the mass rallies will not happen if the public refuses it and the facts later showed the practices do not bring the expected results. In a permissive society, it is difficult to expect clean politics in the implementation of democracy. If this bad condition and political practice are allowed, it will grow into a bad political practice and harm the democratic system of government.

Rational voters fall far short of expectations. *Wani Piro* politics (How much you can pay) already is saved in voters mind, they are openly asking for something and transactions in order to obtain the money before the election promises of candidates when voting day. For legislative candidates who have the capital, the transactional politics will be easy to realize by spreading the material to prospective voters such as food from 3 kg to 10 kg, and money before the election day or known as "*serangan fajar*". Incumbent candidates have a great opportunity to take advantage of state-funded development program realized by the form of roads, rehabilitation of house, electricity, tendons in the water, aqueducts, rehabilitation of traditional markets, and some government programs covered by the recognition that the candidates who are still in parliament has realized the programs for the people.

Realization of various development forms is a request to vote them in the election as a form of political transactions (Alfitri, 2014). The candidates who do not do that way will not be voted in the end, except for the support of family and figure factors. Although Bolaang Mongondow Regency is the middle class and some are high class, money is considered a sign that a serious candidate will continue to contribute when they are elected.

During the campaign, a quiz is just a way to give the number of goods or money. Political observers from Sam Ratulangi University, Ferry Liando (2014), said that candidates who rely on money are not guaranteed to be chosen. They should be able to determine the way, location, type of transaction, and the right distribution, those four elements must be met by the candidates if one element is not right then money given is useless.

Based on the results of a survey conducted by Neni Kumayas and Steven Sumolang, the phenomenon of money politics in Bolaang Mongondow is found that visitation to the community directly is relied upon by candidates and their team. Moreover, people also ask for money or goods. For some people, money or goods as a sign or a down payment to select the candidates. Money politic has been intensified and massive. The distribution

of money and goods occur in many forms such as 'serangan fajar' before the voters to the polling place. If the goods supplied before the election, like groceries, insurance card (Alfitri, 2014).

In Islamic law, money politic is strictly forbidden and the actions are categorized *asrisywah*. *Risywah* (bribery) is unjustified granting given to the judge or other people to obtain the desire in a wrong way. By this falsehood, a provision changes hurting many people. It is reasonable when religious leaders agree to proscribe *risywah*, according to the law this act is a big sin because the bribe will make laws to be unfair, and the order of life is unclear (Muhsin, 2001).

Islam has prohibited a Muslim to bribe the rulers and their assistants. Likewise, rulers and their assistants are prohibited for accepting such bribes. Allah says in surah al-Baqarah verse 188: "*And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]*" (QS. Al Baqarah:188)

People who choose leaders through elections has the responsibility and consequences. If they choose a wrong candidate as a leader, for receiving money or bribes (money politics), then he has committed a grave sin. According to Qaradawi, it is similar to giving false testimony incourt cases. Likewise, if the voter is a relative or a person who comes from the same region, or who will get a benefit, the voters have violated the command of Allah (al-Qaradawi, 1997).

Bribery is very harmful to people's lives because it will damage the various arrangements of the existence of systems in society and leads to carelessness and errors in determining the law, thus the law can be manipulated with money. As a result, chaos and injustice happen (Syafe'i, 2003).

RESEARCH METHODS

This is a qualitative research. The research location is Sangtombolang District, Bolaang Mongondow Regency of North Sulawesi. Data collected was through observation, interviews and document research. The data obtained were processed and verified in order to obtain descriptive findings of money politics in the election perspective of Islamic law.

RESULTS AND DISCUSSION

A BRIEF HISTORY OF AYONG VILLAGE OF SANGTOMBOLANG DISTRICT

Ayong village is a village in the district of the Sang Tombolang District located in Bolaang Mongondow Regency, North Sulawesi Province consisting of 7 hamlets. Ayong village is established in 1912 located in Cempaka village, which includes several government areas: Labuan Uki, Sauk and Babo. The word Ayong is derived from Mo'oyong meaning "Relax"

and be the name of the village until now. From the geographical aspect, Ayong village is a village in the district of Sang Tombolang, Bolaang Mongondow Regency, North Sulawesi Province which consists of seven hamlets, with these following boundaries:

Table: 1
Ayong Village Boundary Area

No.	Description	Village Limits Ayong
1	North	Celebes Sea
2	East	Buntalo village, Lolak district
3	South	Forest / Mountains
4	West	Babo village

Source: Ayong Village Office

An area and boundaries of Ayong village are from South to North with ± 10976.5 Ha, tropical climate and an altitude of 0-10 meters above the sea so Ayong village is included as lowland in Bolaang Mongondow Regency.

The distance between village and city, district and province are:

1. The distance of Ayong village from the District Government Center: ± 10 Km
2. The Distance of Ayong village from Regional Government Center: ± 33 Km
3. The Distance of Ayong village from Provincial Government Center: ± 217 Km
4. The circumstance of Ayong Villagers

In hydrology, there is a river, named Ayong River, and it has natural resources in agriculture, animal husbandry, soil/land, forest, and beach. Thus, Ayong has a huge potential especially in agriculture, animal husbandry, cultivation of land, fisheries, and use of forests and forest products. Economic growth in the Ayong village has a fairly good growth each year, it is shown by the number of financial transactions occurring in the village due to the growth of trading ventures such as a grocery shop, agricultural products, Household Industry, trade, and transport business and savings and loans in hamlet, the PKK, and the village. The data emerged that generally, the villagers' job is 45% as Farmers, 45% as Fishermen and the rest is others. The income of Ayong village income comes from the basic income of the village and a third party. The population of Ayong village can be seen in the following table:

Table 2
Total Population of Ayong Village

HAMLET	MEN (SOUL)	WOMEN (SOUL)	TOTAL
I	121	109	230
II	114	121	235
III	136	132	268
IV	110	104	214
V	158	167	325
VI	68	63	131
VII	123	99	222
TOTAL	830	795	1625

Source: Ayong Village Office

THE BACKGROUND OF MONEY POLITICS PRACTICE IN DISTRICT HEAD ELECTION IN AYONG VILLAGE

Based on the interview with Mr. Parjo Halim (35), in every election in Ayong village, it is common in practicing money politics or in Ayong village is known as *serangan fajar*. Although he knows money politics or *serangan fajar* is prohibited by religion and the state, people still accept it because it becomes a habit in every election, the money is also really needed.

Parjo continued that before the election day, each team of the candidates goes to people's home to give money, starting from Rp. 100,000, - to Rp. 200.000, - and told people to choose their candidates to be won in the election.

The next interview is Mr. Abdul Samad Wartabone (35), he said that money politic or *serangan fajar* on Ayong village commonly happens because they only work as fishermen who need the money. Regarding the prohibition of religion and the state about money politics, he does not know it. Furthermore, Hudran Vangobel (43) also said that he already knows the prohibition of money politic or *serangan fajar* but he only works as a construction worker and need money, and he also said it is usual in Ayong village.

The next interview by Ismail Makalalag (40), he said that he does not know the prohibition of money politic or *serangan fajar*. He only knows that there must be there must be people who give money to him in every election for choosing the candidate who gives him money.

Further information is from the interview with Mr. Gufran Mokodongan (46), he does not know that money politic or *serangan fajar* is prohibited, and in every election, he received Rp. 200.000,- from the candidates through their team. According to Gufran, he only works as farmers who need money so he took it for their families.

The interview from Mr. Djunaidi Gobel (39), that he knows the prohibition of money politic, however, he accepts it because it is normal in Ayong village fro elections, he also needs the money. Furthermore, from Mrs. Amna Gobel (45), in every election, he received money from the candidates

because they do not know the restrictions and she thinks that it has become common place for elections in Ayong village.

The interviews of one of the religious leaders in Ayong village, Masran Labenjang (34), said that the term of *serangan fajar* is money politic . The term appears when there are local elections and so on. It is called *serangan fajar* because the money is given to the people in the morning, around 05:30 am before they come to the polling place. According to him, *serangan fajar* has been forbidden by the State, and religion even banned it because it is taken forcibly and *zhalim*. He said that although it is forbidden, people still accept it because it has become a habit and the money is needed. Then, the people who do that way are already aware of the ban, however, they still do it to win the election.

Salim Bunto (61), one of the traditional leaders in the village explained, although money politic or *serangan fajar* has been banned by religion and state, nonetheless the candidates give money to people to get a lot of voters to win the election. Furthermore, one of the leaders of the villagers, A. Batalipu (51) said that, although money politic is prohibited, the candidates still do it to win the election. Then, people receive the money because it is needed.

From the research, money politic in the elections in Ayong village is caused by the candidates who have the ambition to win and the public who also received gifts from the candidate because of the ignorance of money politic law. Receiving money in the election has become a habit since regional head elections and the most important is due to the factor of the economic needs of society.

REVIEW OF ISLAMIC LAW TOWARDS MONEY POLITIC IN THE ELECTION PROCESS

Bribery is very harmful to people's lives because it will damage the various arrangements of the existence of systems in society and leads to carelessness and errors in determining the law, thus the law can be manipulated with money. As a result, chaos and injustice happen (Syafe'i, 2003).

By definition, money politic seems more appropriately called *risywah*. In Islam, *risywah* is something given to cancel the truth and to justify the falsehood, thus, the developing political situation in Indonesia today is done by money politic practice. The definition of money politic is bought and sell votes on a process of politics and power. In other words, *risywah* has a broader meaning than money politic. Therefore, both *risywah* and money politics are forbidden in Islam.

In the Qur'an, al *risywah* is included as the word falsehood, a word that includes an action or (*jinayah*) others, such as robbery, extortion and deceptive. As Allah says in a verse: "And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you

know [it is unlawful]" (QS. Al-Baqarah: 188). Therefore, the religious leaders agree that it is not only corruption (conventionally) but also theft and robbery.

According to M. Qurais Shihab, this verse is like lowering the bucket into the well to get water, it is not seen, especially for people who are not near the well. From this verse, people who are corrupt or (bribe) reduces the desire to persons who have the authorization to decide something by doing secretly and aims to take something illegally.

It can be concluded that *risywah* is a gift from one person to another by any form and manner, something given can be money or others that are useful so the giver wishes (briber) can be met.

In the fatwa of Indonesian Ulema Council also explained that first, *risywah* is the provision by one person to another (official) in order to smooth an act of vanity (not true according to shari'a) or to cancel the truth. The giver is called *rasyi*; the receiver is called *murtasyi*, and the relation between *rasyi* and *murtasyi* is called *ra'isy* (Ibn al-Athir). Second, bribes, money politic and so forth can be categorized as *risywah* if the goal is to justify a falsehood or to cancel the truth. Third, gifts to officials are the provision of a person and/or society given to officials, because of his position, either officials in government or others. Fourth, corruption is the act of taking something that is under the authority in a wrong way according to the Islamic shari'a

In the Egyptian Fatwa Institution, Daar al Iftaa, it prohibits candidates to do money politics in buying votes. This fatwa is caused by reports of vote-buying in the Cairo, explained that "buying is a kind of bribery prohibited by Islam". The fatwa added that a candidate should not use the money to influence the owners, and assert the real assets, the candidate is honesty to respect the promise. It also stressed that the voice realtor professions also illegitimate, because they facilitate the prohibited acts of religion (Umar, 2014).

In this case, money politic is a form of *risywah* to obtain position or employment. Position or employment should be obtained based on expertise, but in practice, there are still some people who get it with wrong ways. The elements of *risywah* are: first, the recipient of a bribe (*al-murtasyi*), that is, those who receive something from someone else such as property, money, or services so that they do the request of briber. It is banned by *syara'*, either do or do not do anything. Second, the bribe giver (*al-rasyi*), that is, those who give the property, money or services to achieve their goals. The giver, in general, is that who have the interests to the recipient. Third, bribes or property. The property as bribe object is various, such as money, cars, houses, motorcycle, etc. (Mashudi Umar). It is described in the Qur'an, Sura. An-Nisa verse 29: "O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful". (QS. An-nisa:29)

Another surah is surah Al-Baqarah verse 188: *And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that*

[they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful].”(QS. Al-Baqarah: 188).

From the verse above, money politic that is classified as *risywah* is something that is forbidden by Islam, both to give and receive. Therefore, everything outside salaries and works, called *ghulul* or corruption which is not allowed despite as the prize or a sign of gratitude. Meanwhile, in the MUI, the law is; first, give and receive *risywah* are *haram*. Second, corruption is *haram*. Third, giving gifts to officials:

1. If the gift is never carried out before the official holding the position, it is legal both in taking and giving.
2. If the gift was never done before the official holding the position, then in this case there are three possibilities: If the gift and officials will not be any business, then giving and receiving gifts are not *haram*; If between the gift giver and the official (case) have business, then it is *haram*; If between the gift giver and the official have business, and after taking and giving are not aiming for vanity, then is legal to give the gift, but it is *haram* for the officials to take it. (MUI Fatwa Association since 1975, 391-392)

The sanctions on perpetrators of *risywah* do not seem much different with sanctions for perpetrators of *ghulul*, it is *ta'zir* law because both are excluded from the *qishas* and *hudud*. In this case, Abdul Muhsin al Thariqi argued that criminal law sanctions of money politic or *risywah* (bribes) are not mentioned clearly by the Shari'ah (Al-Quran), which is in the decision of judges. To find the type of sanctions in accordance with legal norms of Islamic principle to maintain accessibility of life, the sanctions should be adapted to the type of crime, according to the environment in which the violation occurred and the motive of the crime.

However, there is no provision explicitly concerning the procedure to impose sanctions, so money politics or *risywah* is referred to a *ta'zir* criminal act. In the texts of the argument about the criminal act of *risywah*, sanctions are not mentioned hence *ta'zir* law is applied. The various legislation created to combat and eradicate money politics or *risywah* in this country have been much more ideal than a concept that is still a legal doctrine in the book of *fiqh*. The legislation is a concrete form of the *ta'zir* concept offered by *fiqh jinayah* that is a legal sanction not described explicitly on the types and procedures for its implementation by the Qur'an and the hadiths of the Prophet, it is submitted to the local government and judge. Sanctions or penalties for the perpetrators of money politics or *risywah* (bribery) very according to the level of crimes, from material sanctions, imprisonment, dismissal position, whip, suspending certain rights to the death penalty. This is because there are no definitive texts related to this criminal act. Sanctions material (*al-ta'zir bi al-mal*) is a form of punishment, that is by taking property which is used as a bribe and then to be the national treasure. The religious leaders have a different argument with the permissibility of these sanctions (Ahmad, 1999).

CONCLUSION

Based on the results of research on money politics in the election in Islamic law perspective, which has been described above, the authors conclude that the practice of money politics or *risywah* in Islamic law is as confiscation of other people's vanity, as mentioned in Surah Al-Baqarah verse 188. In addition, the MUI fatwa explained that the people who give and receive *risywah* are *haram*. The sanctions are not explicitly explained about types and procedures for its implementation by the Qur'an and hadiths of Rasullah, but the sanctions are based on the government and the judge decision.

Money politic in the Ayong village, is caused by several things, such as the public does not know the law regarding the prohibition of money politics, the practice has become a habit and the main reason is caused by economic needs of society. Money politics or *risywah* in Islamic law is seen as the confiscation of other people's vanity, as mentioned in Surah Al Baqarah verse 188. It is also in the MUI fatwa explained that people who give and receive *risywah* are *haram*.

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